IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Confirmation No.: 4858
Scott Baggs	Group Art Unit: 2878
Serial No.: 09/885,900	Examiner: Yam, Stephen K.
Filed: June 20, 2001	Docket No. 10004919-1

For: SPACE SAVING FLATBED SCANNER

SUPPLEMENT TO SUBSTITUTE APPEAL BRIEF FILED JULY 9, 2007

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submits this supplement to the official action mailed November 20, 2007 (Notification of Non-Compliant Appeal Brief). According to that notification, the entire brief need not be resubmitted, but rather only those sections deemed to be deficient. These were the status of claims section and the summary of claimed subject matter sections. In response, Applicant submits the following:

III. STATUS OF THE CLAIMS

Claim 1-77 are pending in this application. Claims 1-13, 15-34, 36, 40-43, 45-72, 74, and 75 were rejected by the FINAL Office Action, and are the subject of this appeal. Claims 37-39 were allowed, and claims 14, 35, 44, 73, 76, and 77 were indicated to be allowable. The Office Action rejected claims 1, 2, 8, 16, 17, 26, 32, 40-43, 55, 56, 59, 64, 70, and 75 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 6,433,941 to *Onoda* (hereafter *Onoda*). The Office Action rejected

claims 3, 9, 19, 27, 45, 58, and 65 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of Onoda and a selective combination of elements from U.S. Patent 6,331,886 to *Nagano et al.* (hereafter *Nagano*). The Office Action rejected claim 15 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Onoda* in view of *Nagano.* The Office Action rejected claims 4, 28, 46, and 66 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Onoda* and a selective combination of elements from JP2000-209408 to *Minowa* (hereafter *Minowa* '408). The Office Action rejected claims 5, 6, 10-12, 18, 20, 29, 30, 33, 47-51, 57, 67, 68, and 71 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Onoda* and a selective combination of elements from U.S. Patent 6,408,161 to *Minowa* (hereafter *Minowa* '161). The Office Action rejected claims 7, 13, 31, 34, 36, 52-54, 69, 72, and 74 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Onoda*. Finally, the Office Action rejected claims 21-25 and 60-63 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Onoda* and a selective combination of elements from *Minowa* '161 further in view of *Minowa* '048.

All rejected claims 1-77 are the subject of this appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Embodiments of the claimed subject matter are illustrated in FIGs. 2 through 10 and are discussed in the specification at least at pages 5-16.

Embodiments of the invention, such as those defined by claim 1, define a space-saving scanner assembly (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion), comprising a housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27) having a

substantially vertical source-contact surface with a member forming a channel (*see e.g.*, reference numeral 330 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 21) that protrudes from the housing, said member having a first side that is substantially parallel to, and opposed from, said source-contact surface (*see e.g.*, reference numerals 300 and 305 related discussion, including p. 8, lines 18-29), said member having a second side substantially orthogonal to the first side, wherein the member extends to an exterior surface of said housing. The assembly further comprises a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) coupled to the source-contact surface, the flap having a source-backing surface (*see e.g.*, reference numeral 320 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 12) substantially parallel to the source-contact surface of the housing 300, wherein the source-contact surface, the source-backing surface, and the first and second sides of the member form an aperture for receiving an edge of a source (*see e.g.*, reference numeral 350 and at least FIGs. 3-10 and related discussion) to be scanned.

Embodiments of the assembly, such as those defined by claim 3, define a front panel of the housing comprises an inclined surface 417 adjacent to the aperture. (*see e.g.*, at least reference number 417 in FIG. 4 and related discussion).

Embodiments of the assembly, such as those defined by claim 5, define the flap to comprise a slot. (see e.g., at least reference numeral 316 and FIGS. 6 and 8, and related discussion).

Embodiments of the assembly, such as those defined by claim 15, define the member to be coated with a layer of material having a relatively low coefficient of friction. (*see e.g.*, at least specification p. 9, lines 7-8).

Embodiments of the invention, such as those defined by claim 16, define space-saving scanner assembly (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion), comprising means for housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27) an optical scanning means; and means for forming an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) configured to closely receive a leading edge of a source (*see e.g.*, reference numeral 350 and at least FIGs. 3-10 and related discussion), such that the source can be spatially arranged with the optical scanning means without adjusting the aperture (*see e.g.*, reference number 316 identifying a notch to be used for adjusting the source, as described on at least p. 12, lines 22-31), the source being supported along a horizontal edge different from the leading edge of said source along a channel means (*see e.g.*, reference numeral 330 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 21) in the aperture.

Embodiments of the invention, such as those defined by claim 20 define a method for saving space on a desktop, comprising: providing an optical scanner (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion) having a housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27), the housing having a substantially vertical source-contact surface (*see e.g.*, reference numerals 300 and 305 related discussion, including p. 8, lines 18-29) with a member forming a channel (*see e.g.*, reference numeral 330 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 21) protruding from the housing; and coupling a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including

p. 9, line 12 through p. 10, line12) to the source-contact surface (*see e.g.*, reference numerals 300 and 305 related discussion, including p. 8, lines 18-29), the flap having a slot extending to an edge of the flap and source-backing surface (*see e.g.*, reference numeral 320 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 12) substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the member form an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) for horizontally receiving a source (*see e.g.*, reference numeral 350 and at least FIGs. 3-10 and related discussion) to be scanned.

Embodiments of the invention, such as those defined by claim 26, define a space-saving scanner assembly (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion), comprising: a housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27) having a substantially vertical source-contact surface (*see e.g.*, reference numerals 300 and 305 related discussion, including p. 8, lines 18-29); a member forming a channel (*see e.g.*, reference numeral 330 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 21) protruding from the housing; and a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) coupled to the housing, the flap having a source-backing surface (*see e.g.*, reference numeral 320 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 12) substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the member form an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and

related discussion, including p. 11, lines 31-31) for horizontally receiving a source (*see e.g.*, reference numeral 350 and at least FIGs. 3-10 and related discussion) to be scanned without necessitating relative movement between the flap and the housing.

Embodiments of the invention, such as those defined by claim 40 define a space-saving scanner assembly (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion), comprising: a housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27), having a substantially vertical source-contact surface (*see e.g.*, reference numerals 300 and 305 related discussion, including p. 8, lines 18-29); a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) coupled to the source-contact surface, the flap having a source-backing (*see e.g.*, reference numeral 320 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 12) surface substantially parallel to the source-contact surface of the housing; and a support member interposed between said housing and said flap and extending to a front panel of the housing, wherein the source-contact surface, the source-backing surface, and said support member form an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) for horizontally receiving a source to be scanned without necessitating relative movement between the flap and the housing.

Embodiments of the invention, such as those defined by claim 55, define a space-saving scanner assembly (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion), comprising: means for housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-

27) an optical scanning means; and means for forming an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) configured to closely receive a leading edge of a source (*see e.g.*, reference numeral 350 and at least FIGs. 3-10 and related discussion) transferred horizontally along a plane substantially orthogonal to a front surface of the means for housing, such that the source can be spatially arranged with the optical scanning means without adjusting the aperture, the source being supported along a second edge of said source by a support means in the aperture, said support means extending to a front panel of the means for housing, wherein said support means is interposed between a first source-retaining means and said optical scanning means.

Embodiments of the invention, such as those defined by claim 59 define a method for saving space on a desktop, comprising: providing an optical scanner (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion) within a housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27), the housing having a substantially vertical source-contact surface (*see e.g.*, reference numerals 300 and 305 related discussion, including p. 8, lines 18-29) with a support member protruding from the housing, the support member extending to the exterior of the housing; and providing a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) closely coupled to the source-contact surface, the flap, support member, and source-contact surface forming an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) for receiving a source moved horizontally to be scanned.

Embodiments of the invention, such as those defined by claim 64 define a space-saving scanner assembly (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion), comprising: a housing (*see e.g.*, reference numeral 300 and at least FIGs. 3-10 and related discussion, including p. 7, lines 15-27) having a substantially vertical source-contact surface (*see e.g.*, reference numeral 330 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 21) comprising a platen; a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) coupled to the housing, the flap having a source-backing surface (*see e.g.*, reference numeral 320 and at least FIGs. 3-10 and related discussion, including p. 8, line 30 through p. 9, line 12) substantially parallel to the source-contact surface of the housing; and a support member interposed between the source-contact surface and the source-backing surface proximal to a perimeter segment of the platen (see e.g., reference numeral 305 and at least FIG. 3, and related discussion, including page 7, lines 15-27), wherein the source-contact surface, the source-backing surface, and the support member form an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) for receiving a first edge of a source moved horizontally without necessitating relative movement between the flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) and the housing to align a second edge of the source with the perimeter segment of the platen (see e.g., reference numeral 305 and at least FIG. 3, and related discussion, including page 7, lines 15-27).

Embodiments of the invention, such as those defined by claim 75 define a method for arranging a source (*see e.g.*, reference numeral 350 and at least FIGs. 3-10 and related discussion) in a scanner (*see e.g.*, reference numeral 100 and at least FIGs. 3-10 and related discussion) comprising: horizontally inserting a leading edge of the source into an aperture (see e.g., aperture formed between inclined surfaces 417, 419 of FIG. 4 and related discussion, including p. 11, lines 31-31) formed by a support member interposed between a platen and a flap (*see e.g.*, reference numeral 310 and at least FIGs. 3-10 and related discussion, including p. 9, line 12 through p. 10, line 12) such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor arranged in a substantially vertical plane; and adjusting the source (*see e.g.*, reference number 316 identifying a notch to be used for adjusting the source, as described on at least p. 12, lines 22-31) such that the information desired to be imaged is aligned with the sensor.

No fees are believed to be due in connection with this supplement to the substitute Appeal Brief. If, however, any additional fees are deemed to be payable, you are hereby authorized to charge any such fees to deposit account No. 08-2025.

Respectfully submitted,

/Daniel R. McClure/

Daniel R. McClure
Registration No. 38,962

(770) 933-9500